

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:09-CR-227-1F

UNITED STATES OF AMERICA )  
v. )  
THOMAS RAY NICHOLS )

**FINAL ORDER OF FORFEITURE  
AS TO REAL PROPERTY SUBSTITUTE ASSETS**

WHEREAS, on April 27, 2011, this Court entered a Preliminary Order of Forfeiture as to Substitute Assets ("Preliminary Order") [DE-88] pursuant to 18 U.S.C. § 981(a)(1)(C) (as made applicable by Title 28, United States Code, Section 2461(c)), and 21 U.S.C. § 853(p) as to the following property of the defendant:

## Real Property

(a) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 1196 Hillside Drive, Franklinton, North Carolina, located in Granville County, North Carolina, and being more particularly described in a deed recorded in Book 573, pages 0796-0797 of the Granville County Register of Deeds. Being titled in the names of Thomas R. Nichols and wife, Patricia A. Nichols<sup>1</sup> (1196 Hillside Drive Property").

(b) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements,

<sup>1</sup> Patricia Ann Nichols died on February 23, 2010.

having the street address of 1503 Hillside Drive, Franklinton, North Carolina, located in Granville County, North Carolina, and being more particularly described in a deed recorded in Book 824, pages 0202-0203 of the Granville County Register of Deeds. Being titled in the names of Thomas R. Nichols and wife, Patricia A. Nichols ("1503 Hillside Drive Property").

**Personal Property**

- (a) A 2001 CAT Pallet Jack GS
- (b) \$922.00 in U. S. currency which represents the cash value of the miscellaneous Susan B. Anthony coins and gold coins seized from Defendant Nichols, and
- (c) \$33,805.25 in U. S. currency;

AND WHEREAS, the United States published notice, see [DE-130] of this forfeiture at the [www.forfeiture.gov](http://www.forfeiture.gov) website for at least thirty (30) consecutive days, between June 14, 2011 and July 13, 2011, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions, said published notice advising all third parties of their right to petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, on November 30, 2011 the Court entered a Final Order of Forfeiture [DE-117] with respect to the above-listed Personal Property;

AND WHEREAS, in addition to publication, the United States issued and served direct notice of the April 27, 2011 Preliminary Order of Forfeiture as to Substitute Assets [DE-88] on:

a. Carolina Morales, served on June 23, 2011 [DE-94.1], the grantee of a General Warranty Deed conveying title to the 1503 Hillside Drive Property from the defendant through his power of attorney, Tammy Nichols, on October 13, 2010;

b. James L. Estes and Ruby R. Estes, served on June 15, 2011 [DE-131B and DE-131C], who had conveyed title to the 1503 Hillside Drive Property to the defendant and his wife, Patricia Nichols, and who were the beneficiaries of a Deed of Trust securing the 1503 Hillside Drive Property; and,

c. Judy Davis, the Granville County Tax Administrator, served on or about June 15, 2011 [DE-131A];

AND WHEREAS, on January 22, 2012 a Verified Petition [DE-125] as to the 1503 Hillside Drive Property was filed by Carolina Morales who contends that she was a bona fide purchaser, as described in 21 U.S.C. § 853, of the 1503 Hillside Drive Property, which she purchased from the defendant by and through his Power of Attorney, Tammy Nichols, who gave Carolina Morales a General Warranty Deed which omitted any reference to the lis

pendens, which conveyed the 1503 Hillside Drive Property "free and clear of all encumbrances" to Carolina Morales, and which corrected a Map Book description error by identifying the 1503 Hillside Drive Property as recorded in Plat Book 12, Page 31 as Lot 27 of Pocomoke Acres Section 2;

AND WHEREAS, it appears from the record that no petitions, contested or otherwise, have been filed with respect to the 1503 Hillside Drive Property other than that of Carolina Morales, or at all with respect to 1196 Hillside Drive, and the time for filing any such petitions has expired;

AND WHEREAS, the United States and Carolina Morales have entered into a Settlement Agreement with respect to the 1503 Hillside Drive Property wherein the United States will transfer its interest in the 1503 Hillside Drive Property to Carolina Morales upon good consideration;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED:

1. That the Settlement Agreement entered into between the United States and Carolina Morales is APPROVED.

2. That the real property described in the April 27, 2011 Preliminary Order of Forfeiture is hereby forfeited to the United States, and the United States Department of Justice is directed to dispose of the forfeited properties according to law and, with respect to the 1503 Hillside Drive Property, according to the

terms of the approved Settlement Agreement with Carolina Morales and this Order.

3. That, as to the 1503 Hillside Drive Property, pursuant to 21 U.S.C. §853(n)(7), the legal and equitable interests of the defendant, of his wife Patricia Nichols (deceased), of James Estes, of Ruby Estes, and of all other persons deemed to have been served with the April 27, 2011 Preliminary Order of Forfeiture or received notice of the Notice of Lis Pendens, other than the Granville County Tax Administrator, are null and void and of no further effect;

4. That, as to the 1196 Hillside Drive Property, pursuant to 21 U.S.C. §853(n)(7), the legal and equitable interests of the defendant, of his wife Patricia Nichols (deceased), and of all other persons deemed to have been served with the April 27, 2011 Preliminary Order of Forfeiture or received notice of the Notice of Lis Pendens, other than the Granville County Tax Administrator, are null and void and of no further effect;

5. That any and all forfeited funds, including sales proceeds from the sale of the forfeited property described herein and the Settlement Payment for the transfer of the 1503 Hillside Drive Property to Carolina Morales, shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED.

This, the 15th day of May, 2012.

James C. Fox  
JAMES C. FOX  
SENIOR UNITED STATES DISTRICT JUDGE